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09/932,621	08/17/2001	Yuichiro Deguchi	SONY-02800	6301
36813	7590 06/19/2006		EXAMINER	
O'BANION & RITCHEY LLP/ SONY ELECTRONICS, INC. 400 CAPITOL MALL			HASHEM, LISA	
SUITE 1550			ART UNIT	PAPER NUMBER
SACRAMENTO, CA 95814			2614	
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Please find below and/or attached an Office communication concerning this application or proceeding.

	Annilo de No	A			
	Application No.	Applicant(s)			
Office Assistant Occurs	09/932,621	DEGUCHI, YUICHIRO			
Office Action Summary	Examiner	Art Unit			
	Lisa Hashem	2614			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
Status					
1)⊠ Responsive to communication(s) filed on <u>04 April 2006</u> .					
2a)⊠ This action is FINAL . 2b)☐ This	This action is FINAL . 2b) ☐ This action is non-final.				
,	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is				
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
 4) Claim(s) 1-43 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-43 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. 					
Application Papers					
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)					
Paper No(s)/Mail Date	6) Other:				

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FINAL DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1, 2, 4-26, 28-36, and 38-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila in further U.S. Patent No. 6,650,877 by Tarbouriech et al, hereinafter Tarbouriech.

Regarding claim 1, Rautila discloses a data marker integrated device communication system (Fig. 1), comprising:

a data marker integrated device (e.g. hotspot device) (Fig. 1, 70) configured to store a data mark (e.g. software graphics, text, video, or music) in response to a request (col. 1, lines 35-41; col. 4, lines 40-63; col. 5, line 39 – col. 8, line 3);

a network device (e.g. mobile) (Fig. 1, 10) configured to establish wireless communication with the data marker integrated device to receive said data mark from said data marker integrated device (col. 4, lines 14-63; col. 5, line 39 – col. 8, line 3); and

a server terminal (e.g. Internet server, electronic shop server, computer) (Fig. 1, 40) configured to connect to said network device for data communication (col. 4, lines 29-45; col. 5, line 61 – col. 6, line 40; col. 8, lines 37-48).

Rautila clearly discloses a device storing a data mark. However, Rautila does not disclose to store a data mark in response to bookmarking of a broadcast clip.

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Tarbouriech discloses a data marker integrated device communication system (Fig. 6), comprising:

a data marker integrated device (e.g. sensing unit) (Fig. 1, 70) configured to store a data mark (e.g. data location or URL of a song; more information about a music clip) in response to bookmarking of a broadcast clip (col. 2, lines 39-47; col. 5, line 43 – col. 6, line 62).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Rautila to include to store a data mark in response to bookmarking of a broadcast clip as taught by Tarbouriech. One of ordinary skill in the art would have been lead to make such a modification to store a data mark related to bookmarking a broadcast clip over a radio station to later recall the information related to the bookmarked music clip.

Regarding claim 2, the system of claim 1, wherein Tarbouriech further discloses said data mark includes time stamp information (col. 5, line 43 – col. 6, line 5).

Regarding claim 4, the system of claim 1, wherein Rautila further discloses said network device includes one of a wireless application protocol (WAP) enabled mobile telephone, an I-mode mobile telephone, and an Internet access enabled personal digital assistant (col. 4, lines 14-26).

Regarding claim 5, the system of claim 1, wherein Rautila further discloses said wireless communication between said network device and said data marker integrated device is established with a Bluetooth communication protocol (col. 2, lines 5-43; col. 5, lines 9-22).

Regarding claim 6, the system of claim 1, wherein Rautila further discloses said data marker integrated device inherently includes an interface unit configured to establish wireless

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communication under a Bluetooth communication protocol (col. 2, lines 5-43; col. 4, lines 45-53; col. 5, lines 20-22; col. 6, lines 41-50).

Regarding claim 7, the system of claim 6, wherein Rautila further discloses said network device includes an interface unit (Fig. 2, 210) configured to establish wireless communication under a Bluetooth communication protocol (col. 5, lines 15-19).

Regarding claim 8, the system of claim 7, wherein Rautila further discloses said Bluetooth communication protocol operates at approximately 2.4 GHz (col. 2, lines 5-43).

Regarding claim 9, the system of claim 1, wherein Rautila further discloses said data marker integrated device is inherently configured to transmit a device identification code to said network device (col. 2, lines 19-23; col. 4, lines 48-53; col. 7, lines 27-35).

Regarding claim 10, the system of claim 1, wherein Rautila further discloses said server terminal is configured to receive said data mark from said network device (col. 8, lines 37-48).

Regarding claim 11, the system of claim 10, wherein Tarbouriech further discloses said server terminal is further configured to transmit a transmission acknowledgement message to said network device (col. 7, lines 20-48; col. 17, lines 25-53).

Regarding claim 12, the system of claim 11, wherein Tarbouriech further discloses said network device is configured to display said transmission acknowledgement message (col. 17, lines 41-45).

Regarding claim 13, the system of claim 11, wherein Rautila further discloses said network device is configured to inherently transmit said transmission acknowledgement message to said data marker integrated device (co. 7, lines 3-21).

Regarding claim 14, the system of claim 13, wherein Tarbouriech further discloses said data marker integrated device is configured to delete said stored data mark after inherently receiving said transmission acknowledgement message from said network device (col. 17, lines 43-53).

Regarding claim 15, the system of claim 1, wherein Rautila further discloses a user terminal configured to connect to said server terminal (col. 1, lines 16-55; col. 8, lines 37-48).

Regarding claim 16, the system of claim 15, wherein Rautila further discloses said user terminal includes one of a desktop computer, a laptop computer, and a handheld computer (col. 1, lines 16-55; col. 8, lines 37-48).

Regarding claim 17, the system of claim 15, wherein Rautila further discloses said user terminal is inherently connected to said server terminal through TCP/IP protocol (col. 1, lines 16-55; col. 8, lines 37-48).

Regarding claim 18, the system of claim 15, wherein Rautila further discloses said user terminal is configured to receive information corresponding to said data mark from said server terminal (col. 1, lines 16-55; col. 8, lines 37-48).

Regarding claim 19, the system of claim 18, wherein Rautila further discloses said information corresponding to said data mark includes a name of a broadcast music clip corresponding to said data mark, a name of the artist of a broadcast music clip corresponding to said data mark, a name of the album of a broadcast music clip corresponding to said data mark, and a purchase information for a music album corresponding to a broadcast music clip related to said data mark (col. 1, lines 35-41; col. 5, line 61 – col. 6, line 24).

Regarding claim 20, Rautila discloses a method, comprising:

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storing a data mark (e.g. software graphics, text, video, or music) within a data marking device (e.g. hotspot device) (Fig. 1, 70) in response to a request;

receiving said stored data mark through a wireless communication path (col. 1, lines 35-41; col. 6, line 41 – col. 8, line 3);

establishing a connection to a server terminal; and

transmitting said received data mark using said established connection (col. 8, lines 37-48).

Rautila clearly discloses a device storing a data mark. However, Rautila does not disclose to store a data mark in response to bookmarking of a broadcast clip.

Tarbouriech discloses a method comprising:

a data marker integrated device (e.g. sensing unit) (Fig. 1, 70) configured to store a data mark (e.g. data location or URL of a song; more information about a music clip) in response to bookmarking of a broadcast clip (col. 2, lines 39-47; col. 5, line 43 – col. 6, line 62).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Rautila to include to store a data mark in response to bookmarking of a broadcast clip as taught by Tarbouriech. One of ordinary skill in the art would have been lead to make such a modification to store a data mark related to bookmarking a broadcast clip over a radio station to later recall the information related to the bookmarked music clip.

Regarding claim 21, the method of claim 20, wherein Rautila further discloses said wireless communication path includes a wireless communication link configured for operation under a Bluetooth communication protocol (col. 2, lines 5-40; col. 5, lines 9-22).

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Regarding claim 22, the method of claim 20, wherein Rautila further discloses including inherently receiving a device identification code through said wireless communication path (col. 2, lines 19-23; col. 4, lines 48-53; col. 6, lines 25-40; col. 7, lines 27-35).

Regarding claim 23, the method of claim 22, wherein Tarbouriech further discloses including transmitting said device identification code using said established connection to a server terminal (Fig. 6, 50) (col. 7, lines 20-48).

Regarding claim 24, the method of claim 20, wherein Rautila further discloses said connection includes a wireless application protocol connection (col. 4, lines 17-26).

Regarding claim 25, the method of claim 20, wherein Rautila further discloses including transmitting a transmission acknowledgement message through said connection (col. 7, lines 3-5).

Regarding claim 26, the method of claim 25, wherein Rautila further discloses including inherently displaying said transmission acknowledgement message (col. 7, lines 3-5).

Regarding claim 28, the method of claim 20, wherein Rautila further discloses including retrieving information corresponding to said data mark (col. 6, line 41 – col. 7, line 21).

Regarding claim 29, the method of claim 28, wherein Rautila further discloses including transmitting said retrieved information to a user terminal (col. 1, lines 16-55; col. 8, lines 37-48).

Regarding claim 30, the method of claim 28, wherein Rautila further discloses said retrieved information includes one or more of a name of a broadcast music clip corresponding to said data mark, a name of the artist of a broadcast music clip corresponding to said data mark, a name of the album of a broadcast music clip corresponding to said data mark, and a purchase

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information for the purchase of a music album of a broadcast music clip corresponding to said data mark (col. 1, lines 35-41; col. 5, line 61 – col. 6, line 24).

Regarding claim 31, Rautila discloses a method, comprising: storing a data mark (e.g. software graphics, text, video, or music) within a data marking device (e.g. hotspot device) (Fig. 1, 70) in response to a request; transmitting said stored data mark through a Bluetooth protocol connection (col. 1, lines 35-41; col. 2, lines 5-40; col. 5, lines 9-22; col. 6, line 41 – col. 7, line 21); receiving said transmitted data mark; and transmitting said received data mark through a wireless connection (col. 8, lines 37-48).

Rautila clearly discloses a device storing a data mark. However, Rautila does not disclose to store a data mark in response to bookmarking of a broadcast clip.

Tarbouriech discloses a method comprising:

a data marker integrated device (e.g. sensing unit) (Fig. 1, 70) configured to store a data mark

(e.g. data location or URL of a song; more information about a music clip) in response to

bookmarking of a broadcast clip (col. 2, lines 39-47; col. 5, line 43 – col. 6, line 62).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Rautila to include to store a data mark in response to bookmarking of a broadcast clip as taught by Tarbouriech. One of ordinary skill in the art would have been lead to make such a modification to store a data mark related to bookmarking a broadcast clip over a radio station to later recall the information related to the bookmarked music clip.

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Regarding claim 32, the method of claim 31, wherein Rautila further discloses including receiving a device identification code through said wireless connection (col. 2, lines 19-23; col. 4, lines 48-53; col. 6, lines 25-40; col. 7, lines 27-35).

Regarding claim 33, the method of claim 31, wherein Rautila further discloses including transmitting a device identification code through said wireless connection (col. 2, lines 19-23; col. 4, lines 48-53; col. 6, lines 25-40; col. 7, lines 27-35).

Regarding claim 34, the method of claim 31, wherein Rautila further discloses said wireless connection includes a wireless application protocol connection (col. 4, lines 17-26).

Regarding claim 35, the method of claim 31 further including receiving a transmission acknowledgement message through said wireless connection (col. 7, lines 3-5).

Regarding claim 36, the method of claim 35 further including inherently displaying said received transmission acknowledgement message (col. 7, lines 3-5).

Regarding claim 38, the method of claim 31, wherein Rautila further discloses including retrieving information corresponding to said data mark (col. 6, line 41 – col. 7, line 21).

Regarding claim 39, the method of claim 38, wherein Rautila further discloses including transmitting said retrieved information to a user terminal (col. 1, lines 16-55; col. 8, lines 37-48).

Regarding claim 40, the method of claim 38, wherein Rautila further discloses including displaying said retrieved information (col. 5, lines 15-22; col. 5, line 61 – col. 6, line 4; col. 6, lines 64-67).

Regarding claim 41, the method of claim 38, wherein Rautila further discloses said retrieved information includes one of a name of a music clip corresponding to said data mark, a name of a music album corresponding to said data mark, a name of the artist for a music clip

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corresponding to said data mark, and a purchase information for the purchase of a music album corresponding to said data mark (col. 1, lines 35-41; col. 5, line 61 – col. 6, line 24).

Regarding claim 42, Rautila discloses a data marker integrated device communication system (Fig. 1), comprising: means for storing a data mark (e.g. software graphics, text, video, or music) within a data marking device (e.g. hotspot device) (Fig. 1, 70) in response to a request; means for receiving stored data mark through a wireless communication path (col. 1, lines 35-41; col. 6, line 41 – col. 7, line 21);

means for establishing a connection to a server terminal; and means for transmitting said received data mark using said established connection (col. 8, lines 37-48).

Rautila clearly discloses a device storing a data mark. However, Rautila does not disclose to store a data mark in response to bookmarking of a broadcast clip.

Tarbouriech discloses a data marker integrated device communication system (Fig. 6), comprising:

a data marker integrated device (e.g. sensing unit) (Fig. 1, 70) configured to store a data mark (e.g. data location or URL of a song; more information about a music clip) in response to bookmarking of a broadcast clip (col. 2, lines 39-47; col. 5, line 43 – col. 6, line 62).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Rautila to include to store a data mark in response to bookmarking of a broadcast clip as taught by Tarbouriech. One of ordinary skill in the art would have been lead to make such a modification to store a data mark related to bookmarking a

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broadcast clip over a radio station to later recall the information related to the bookmarked music clip.

Regarding claim 43, Rautila discloses a data marker integrated device communication

system (Fig. 1), comprising:
means for storing a data mark (e.g. software graphics, text, video, or music) within a data
marking device (e.g. hotspot device) (Fig. 1, 70) in response to a request;
means for transmitting said stored data mark through a Bluetooth protocol connection (col. 1,
lines 35-41; col. 2, lines 5-40; col. 5, lines 9-22; col. 6, line 41 – col. 7, line 21);
means for receiving said transmitted data mark; and
means for transmitting said received data mark through a wireless connection (col. 8, lines 3748).

Rautila clearly discloses a device storing a data mark. However, Rautila does not disclose to store a data mark in response to bookmarking of a broadcast clip.

Tarbouriech discloses a data marker integrated device communication system (Fig. 6), comprising:

a data marker integrated device (e.g. sensing unit) (Fig. 1, 70) configured to store a data mark (e.g. data location or URL of a song; more information about a music clip) in response to bookmarking of a broadcast clip (col. 2, lines 39-47; col. 5, line 43 – col. 6, line 62).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Rautila to include to store a data mark in response to bookmarking of a broadcast clip as taught by Tarbouriech. One of ordinary skill in the art would have been lead to make such a modification to store a data mark related to bookmarking a

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broadcast clip over a radio station to later recall the information related to the bookmarked music clip.

3. Claims 3, 27, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila in view of Tarbouriech and in further U.S. Patent Application Publication No. US 2001/0049262 by Lehtonen.

Regarding claim 3, the system of claim 1, wherein Rautila in view of Tarbouriech do not disclose said data marker integrated device includes one of an electronic music marker integrated radio and an electronic music marker integrated audio playback device.

Lehtonen discloses a data marker integrated device communication system (Fig. 3), comprising:

a data marker integrated device (Fig. 3, 21) configured to store one or more data marks (section 0030, line 1 – section 0031, line 13);

a network device (Fig. 3, 22) configured to establish wireless communication with the data marker integrated device to receive said one or more data marks from said data marker integrated device (section 0037, line 1 – section 0039, line 10); and

the Internet configured to connect to said network device for data communication (section 0036, lines 1-11; section 0041, lines 4-8).

Wherein Lehtonen further discloses said data marker integrated device includes one of an electronic music marker integrated radio and an electronic music marker integrated audio playback device (section 0030, line 1 – section 0031, line 13).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Rautila in view of Tarbouriech to include said data marker

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integrated device includes one of an electronic music marker integrated radio and an electronic music marker integrated audio playback device as taught by Lehtonen. One of ordinary skill in the art would have been lead to make such a modification to provide music to a network device through a data marker integrated device that includes a radio to provide real-time music or an audio playback device to provide music that has been stored.

Regarding claim 27, the method of claim 25, wherein Rautila in view of Tarbouriech do not disclose including deleting said data mark after receiving said transmission acknowledgement message.

Lehtonen discloses a data marker integrated device communication system (Fig. 3), comprising:

a data marker integrated device (Fig. 3, 21) configured to store a data mark (section 0030, line 1 – section 0031, line 13);

a network device (Fig. 3, 22) configured to establish wireless communication with the data marker integrated device to receive said data mark from said data marker integrated device (section 0037, line 1 – section 0039, line 10); and

the Internet configured to connect to said network device for data communication (section 0036, lines 1-11; section 0041, lines 4-8).

Wherein Lehtonen further discloses including deleting said data mark after receiving said transmission acknowledgement message (section 0052, lines 1-13).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Rautila in view of Tarbouriech to include deleting said data mark after receiving said transmission acknowledgement message as taught by Lehtonen. One

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of ordinary skill in the art would have been lead to make such a modification free up storage to store more data marks.

Regarding claim 37, the method of claim 31, wherein Rautila in view of Tarbouriech do not disclose including deleting said stored data mark.

Lehtonen discloses a data marker integrated device communication system (Fig. 3), comprising:

a data marker integrated device (Fig. 3, 21) configured to store a data mark (section 0030, line 1 – section 0031, line 13);

a network device (Fig. 3, 22) configured to establish wireless communication with the data marker integrated device to receive said data mark from said data marker integrated device (section 0037, line 1 – section 0039, line 10); and

the Internet configured to connect to said network device for data communication (section 0036, lines 1-11; section 0041, lines 4-8).

Wherein Lehtonen further discloses including deleting said stored data mark (section 0052, lines 1-13).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Rautila in view of Tarbouriech to include deleting said stored data mark as taught by Lehtonen. One of ordinary skill in the art would have been lead to make such a modification free up storage to store more data marks.

Response to Arguments

4. Applicant's arguments, see Amendment, filed 4-4-2006, with respect to claim(s) 1-43 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

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However, upon further consideration, a new ground(s) of rejection is made. Please see all rejection(s) above.

5. Accordingly, this action is **FINAL**.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

- 7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
 - U.S. Patent No. 6,587,127 by Leeke et al discloses a device configured to store a data mark in response to a bookmarking of a broadcast clip (e.g. recording an event in response to a user preference of the event)
 - U.S. Patent Application Publication No. 2002/0174431 by Bowman discloses bookmarking a broadcast clip

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8. Any response to this action should be mailed to:

Commissioner for Patents P.O. Box 1450. Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh

June 11, 2006

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600